

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Development of Nationwide Broadband Data to	)	WC Docket No. 07-38
Evaluate Reasonable and Timely Deployment of	)	
Advanced Services to All Americans, Improvement	)	
of Wireless Broadband Subscribership Data, and	)	
Development of Data on Interconnected Voice over	)	
Internet Protocol (VoIP) Subscribership	)	

**Comments of TCA**

TCA hereby submits these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) released by the Federal Communications Commission (FCC) in the above-captioned proceeding.<sup>1</sup> TCA is a consulting firm that performs financial, regulatory and marketing services for over one hundred small, rural local exchange carriers (“LECs”) throughout the United States.

The goal of the FCC Form 477 is to gauge the deployment of broadband. The instant FNPRM seeks to further refine and expand the information to enhance the granularity of the information collected in order for the Commission to better understand the state of broadband services and enable it to assist others in fostering broadband deployment.<sup>2</sup> The FCC has split the FNPRM into two specific comment cycles to address specific issues directed at revising the Form 477 reporting criteria. TCA submits these general comments addressing the outstanding items of FNPRM: number of lines and channels, delivered speed

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<sup>1</sup> *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, (FCC 08-89), Report and Order and Further Notice of Proposed Rulemaking, (rel. June 12, 2008).

<sup>2</sup> *Id. at .9.*

information gathering, broadband price information, preserving confidentiality, and broadband customer surveys.

It is essential to point out that as competition has spurred the deployment of broadband, the rural local exchange carriers (RLECs) have made the effort to meet the challenge by deploying broadband in their areas. Equal to that challenge is keeping up with the regulatory requirements that create extensive administrative work that is not necessary to promote broadband but burdensome in the daily operations – with the only apparent purpose of providing a report with no other benefit other than an attempt to “assess the extent of deployment gaps in rural areas”.<sup>3</sup>

The FCC would like more granularity by requiring carriers to report the number of lines that are voice telephone service connections and providing the percentage of which are residential, enrich the broadband price information, ways to preserve confidentiality of the information and whether or not the Commission should conduct and publish periodic surveys. The level of detail the Commission is requesting harbors on the FCC becoming a market researcher instead of an oversight agency. Though the concept of gathering this type of information is good, it is inappropriate to place the burden and the cost to compile data such as this on RLECs without proper reimbursement and protection of the data provided. It diverts resources from the day to day operation – which ironically includes adding new broadband customers - to one of being administratively burdened with gathering the detail for the reports and allowing competitive information to be made public if strict confidential and proprietary labels are not enforced.

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<sup>3</sup> *Id. at footnote 22*, reference to the GAO comment on the reviewing the strengths and weaknesses of data about broadband availability.

The RLEC community varies in size and number of employees who can gather this level of detail for reporting purposes. For example, we have clients that have only two or three employees who handle the day to day operations as well as administrative functions such as compiling regulatory reports such as the Form 477. Expanding current reporting parameters could mean adding staff, incurring more consulting costs, or possibly more database costs. Implementing system changes to accumulate this data could be costly, due to reasons mentioned, especially when there is no mention of how companies could be reimbursed. As we have progressed through the implementation of broadband the reporting requirements are becoming more overwhelming and continue to provide no relief for RLECs to get down to the business of serving the customer. After all, serving the customer is why they are in business, not to comply with encumbering reporting requirements. One but needs to ask - How these additional reporting requirements serve the rural customers? The answer is - they do not. Furthermore, as acknowledged by the Joint Board in its recommended decision, specifically stated, "... RLECs have done a commendable job of providing voice and broadband services to their subscribers."<sup>4</sup> Burdening RLECs with additional reporting requirements is not appropriate for this commendable accomplishment.

Providing the level of detail the Commission is asking for begs the question of just how the Commission will maintain this confidential information and keep it from competitors. Asking the industry how to preserve confidentiality of this information, when they share information amongst the different agencies is not a burden that should laid on the industry, but a burden they bare as they are the holder of the information. As noted in comments previously filed by National Telecommunications Cooperative Association (NTCA) on broadband reporting, "...researchers have sought and are seeking access to the FCC's Form 477 raw

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<sup>4</sup> *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service*, WC Docket No. 05-337 and CC Docket No. 96-45, rel. November 20, 2007, para. 39.

broadband data for their own analyses using the tools provided under the Freedom of Information Act (FOIA).”<sup>5</sup> Utilizing the FOIA is a vehicle for anyone to use to obtain information, in this case it would jeopardize the rural companies’ ability to compete on a level playing field should the competitor use the FOIA to obtain this competitive information. The Commission asks how to secure confidentiality, simply do not require the companies to report at the levels it is requesting.

Collecting deliverable speeds is not an item that RLECs can do easily without incurring additional expense for trying to capture the data, neither is it exact science when considering the variables such as where internet traffic is being routed and the impact of that routing to the speed levels the customer is actually experiencing. Again this level of detail does not warrant reporting to the Commission, as it does not gauge the level of broadband deployment, it provides competitive information of which competitors would use to expand their own marketing efforts should they get their hands on it.

TCA opposes the reporting of pricing information in combination with lines and speed data. We agree it could be a contributing factor for customers of RLECs when deciding whether or not to subscribe to service, but when compiled with the other data being requested it becomes a liability to RLECs when competition is moving into their areas. Until there is absolute proof that the information would be held confidential, it is not appropriate to report at the level requested. Additionally, the Commission has previously used third party analysts for such information. Companies should not be burdened with the expense and resources to collect and file their own pricing data, when it is better spent on deploying broadband service.

The Commission indicates that the industry is expected to report at the Census Tract level with the March 31, 2009 filing. TCA contends that the current,

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<sup>5</sup> *Id.*, NTCA comments of June 15, 2007, (WCB 07-38, FCC 07-17), page 12.

and yet implemented new reporting levels broken down by technology and upload and download speeds, are adequate for the Commission to analyze the deployment levels in the sparsely populated areas served by RLECs, and therefore identify any “gaps” in broadband availability, which is the purpose the report as defined by the Commission. TCA respectfully submits that it is not appropriate to impose the burden and the cost upon RLECs to report at the levels being requested simply to “assess the extent of deployment gaps in rural areas” – especially while failing to clearly define how this highly confidential information will be protected.

Respectfully submitted,

[electronically filed]  
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